

1 THE HONORABLE BARBARA J. ROTHSTEIN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 GORDON HEMPTON,

9 Plaintiff,

10 v.

11 POND5 , INC., a Delaware Corporation;
12 and POND5 USER CKENNEDY342, a
13 corporation or individual of type unknown,

14 Defendants.

NO. 3:15-cv-05696-BJR

DECLARATION OF ROGER M.
TOWNSEND IN SUPPORT OF
PLAINTIFF'S MOTION TO COMPEL
DISCOVERY RESPONSES RE:
POND5 CUSTOMERS WHO
PURCHASED PLAINTIFF'S
COPYRIGHTED WORKS

NOTE ON MOTION CALENDAR:
September 23, 2016

15 Roger M. Townsend states:

16 I am an attorney licensed to practice before the courts of the State of Washington. I
17 represent Plaintiff Gordon Hempton. I have personal knowledge of the facts stated herein and
18 am competent to testify to these facts.

19 1. Attached hereto as **Exhibit 1** is a true and correct copy of the March 22, 2016 and
20 August 16, 2016 deposition of Pond5's 30(b)(6) representative Thomas Crary at pertinent pages.

21 2. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff's First
22 Interrogatories and Requests for Production of Documents.

23 3. Attached hereto as **Exhibit 3** is a true and correct copy of the Pond5 Content
24 License Agreement.

25 4. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Mr.
Crary to Plaintiff, dated October 16, 2015 (PON 000284-293).

5. Attached hereto as **Exhibit 5** is a true and correct copy of a letter to Pond5 enclosing USB.

6. Attached hereto as **Exhibit 6** is a true and correct copy of an email from Pond5 attaching spreadsheet PON00539, which contains some of the metadata associated with the files ckennedy342 uploaded to Pond5.

7. Attached hereto as **Exhibit 7** is a true and correct copy of HEMP 0001982, a pertinent page from a Quiet Planet licensing agreement.

8. Attached hereto as **Exhibit 8** is a true and correct copy of an email from Nicholas Sherman to Mr. Hempton dated September 7, 2016.

9. Counsel for Plaintiff and Defendant have conferred repeatedly both in writing and telephonically as required by FRCP 26(f), and have not been able to come to resolution.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 8th day of September, 2016 in Seattle, Washington.

BRESKIN JOHNSON & TOWNSEND, PLLC

By: s/Roger M. Townsend
Roger M. Townsend, WSBA # 25525
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Tel: 206-652-8660
rtownsend@bjtlegal.com

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jamie Telegin
Jamie Telegin, Legal Assistant